



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,903	04/21/2004	David YC Ho	2004-1009	9069
37476	7590	01/15/2008		
WHITE-WELKER & WELKER, LLC			EXAMINER	
P.O. BOX 199			AHMED, MASUD	
CLEAR SPRING, MD 21722-0199			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			01/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,903

Applicant(s)

HO, DAVID YC

Examiner

Masud Ahmed

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Status

Claims 1-20 are pending on this application.

Claim Objections

1. Claims **5-6, 9-11, 18, 19 and 20** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may refer in the alternative to only one set of claims (e.g., "A machine according to claims 3 and 4, further comprising...") is not permitted. Furthermore, a multiple dependent claim may not serve as a basis for any other multiple dependent claims, either directly or indirectly. See MPEP § 608.01(n). Accordingly, the claims **5-6, 9-11, 18, 19 and 20** are not been further treated on the merits.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim **19** has been numbered twice by the applicant. The examiner only will treat independent claim 19 on the merit. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al (US 6,755,743). Regarding claims 1 and 12, Yamashita teaches a social networking game system having following limitations:

A multi-user network game having a network server connected to and electronic network with game software for implementing the game rules on network server for running the game application, enabling access to the users, a database for storing user information along with other information as required by the game software (col 2, lines 63-67 and col 3, lines 1-20); one or more participants each using game software to store participants profile information in database server for viewing by any user (col 12, lines 34-44); each participants has their own ranking stored in the database to gain exposure among other user's or players (col 15, lines 30-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al (US 6,755,743), in view of Elder et al (US 7, 249, 123), further in view of Roever et al (US 2006/0036447).

Regarding claims 2-4, 7-8, 15-17 and 19, Yamashita discloses a network game system where players earn ranking or points to gain exposure among other players. In this case based on the battle history stored in the database user's profiles are displayed according to the ranking of the game. Earning points by profile being viewed by other users or clicking the link on an email that takes you to an user profile through which user gain points are just other alternatives to the system to gain exposure. However Yamashita does not disclose any email or validation code via email. Elder et al discloses a social networking and activity system where individuals' activities are tracked and ranked among other user to gain exposure (col 2, lines 33-47). However elder is silent on disclosing user clicking on email link that is coded. Roever et al teaches a contact management system where he talks about online game application and chat application being used in a network (para 0043) and user can click on a coded email link which acts as an identifier to open the new page (para 0151). Coded email validation is very well known in the art. Therefore it would have been obvious to ordinary skilled artisan at the time of invention to create different alternatives as coded email validation one of them to give user points so they can rank higher while creating the bigger network to gain maximum.

Regarding claims 13-14, Both Yamashita and Elder discloses user biographical information such as name, address contact information along with the rankings of the users or players be stored in a database (Yamashita col 10 lines 29-34 Elder col 10, lines 29-32); Yamashita's FIG 23 shows the participating members registration window. It would have been obvious to skilled artisan at the time of invention that both systems can possibly require users to insert a profile picture that is their own picture along with the restrictions of personal information that are visible to other users to be for paid members only as an alternatives requirements for the game rules so that the host site can make business profit for providing service and the users can get a chance to interact with other user's in real life.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Masud Ahmed whose telephone number is 571 270 1315. The examiner can normally be reached on Mon-Fri 9:30am-5: 30pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Application/Control Number:
10/828,903
Art Unit: 3714

Page 6

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
MA
01/12/08



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER